

III. REMARKS

1. Claims 1, 8, 9, 10, 15 and 17 are amended.
2. Claims 1, 3-5, 7-10, 12, 14-15 and 19 are patentable under 35 U.S.C. §103(a) over 3GPP in view of Zahariev (US 6035104). Claim 1 recites the notification message is a message to which a response is sent from the terminal for receiving the actual multimedia message. These features are not disclosed or suggested by the combination of 3GPP and Zahariev.

The Examiner admits on page 2 of the office action “the transport protocol that serves the 3GPP system is TCP/IP. By Function, TCP/IP retransmits message (and packets) that are not acknowledged.” Applicant’s claim 1 recites that the notification message is a message to which a response is sent from the terminal for receiving the actual multimedia message. Because a response is sent after receiving the notification message the notification message is an acknowledged message. Because the TCP/IP protocol does not acknowledge messages (as admitted by the Examiner) the 3GPP reference cannot disclose or suggest the above-noted feature of Applicant’s claim 1. Combining 3GPP with Zahariev fails to remedy the above deficiency of 3GPP.

Zahariev discloses nothing more than an e-mail system (Abstract). Zahariev simply does not disclose a “notification message” where the notification message is a “message to which a response is sent from the terminal for receiving the actual multimedia message” as recited in Applicant’s claim 1. All that is disclosed in Zahariev is that an email is delivered to the addressee and correctly received by the addressee. A copy is kept in the email server. (Col. 2, L. 60-63). The “email” is then analyzed by the server based on a pre-configured criteria. If the “email” message matches the criteria, an alert is sent to a pager (Col. 2, L. 63-66). The alert may contain an ID with the aid of which the user of the pager can call an operator or call into a voice-response system, identify and request the email, which was already received in his/her normal email address, to be sent to another address/device (Col. 2, L. 66 – Col. 3, L. 13).

Zahariev does not disclose actual multimedia messages as recited in Applicant's claim 1. Zahariev merely discloses e-mail messages, which cannot reasonably be construed as being equivalent to a multimedia message as claimed by Applicant. The "e-mail" of Zahariev is not the functional equivalent of the "multimedia messages" recited by Applicant in the claims and as is known by one skilled in the art. A functional equivalent would require that the claimed limitation and Zahariev "perform substantially the same function in substantially the same way to achieve substantially the same result". This is not the case here.

It is noted that Zahariev is not reading the emails with the pager. The device of Zahariev is a remote alert receiving device for a conventional email system. However, Applicant's claims are directed to multimedia messaging systems. For example, on page 11, the Examiner refers to Zahariev, Col. 3, line 64 to Col. 4, line 1. However, this section of Zahariev relates to information based on "email", and not multimedia messages.

The functionality for "multimedia" messaging is defined in 3GPP. See for example page 11 section 5.1, which reads "MMS shall support the use of either E-Mail addresses (RFC 822) or MSISDN. In the case of E-Mail addresses standard internet message routing could be used." The MSISDN (Mobile Station International ISDN Number) is the standard international telephone number, i.e., the telephone number associated with the user's terminal.

The claimed invention is directed to solutions in which "actual multimedia messages" are addressed to terminals and communicated between the terminal and the multimedia center, as recited in claim 1. Contrary to what the Examiner alleges, the claims do not recite features to conventional email and do not cover the part of the multimedia messaging service in which multimedia messages are sent to email addresses.

The "multimedia messages" as recited in the claims do not include email messages, because emails are not addressed to a terminal, but are rather addressed to user email addresses. In other words, email messages are not destined to the address (e.g., a

phone number, MSISDN, or similar) of a terminal as recited in the claims. Email messages are addressed to an email address (e.g., firstname.lastname@domain.xyz). Addressing a message to a terminal (such as addressing a multimedia message to a phone number) is not to be confused with email. The destination address of a regular email is not the same as a terminal address.

Furthermore, claim 1 recites a multimedia messaging system. This expression does not include conventional email. The term "multimedia messaging system" will be clearly understood by one of skill in the art to be something other than a conventional "email" message. As demonstrated earlier, with for example the Webobedia™ reference, the "multimedia messaging system" is not the same as the email system.

The Background of the Invention on page 1 of the specification opens with the passage *"multimedia messaging service is a communication service under development in which a terminal of a cellular network can send multimedia messages to another terminal."* The above passage, furthermore, defines that in *multimedia messaging service...a terminal of a cellular network can send multimedia messages to another terminal*. This is yet another indication of what type of service the multimedia messaging service is meant to be, and again excludes the email systems, since in email systems, messages are not sent between terminals but between email addresses.

Page 1 of the specification states that the *"transmission service of multimedia messages in connection with the WAP system (Wireless Application Protocol) is defined in the standard specifications WAP-206-MmsMessagingService and WAP-209-MMSEncapsulation. In the third-generation mobile communication networks the multimedia messaging service is to be implemented in a similar manner."*

This passage, and the ones above, present a clear indication that the "actual multimedia messages" claimed by Applicant are not the same as, and are something other than, the conventional email that is provided by Zahariev. Thus, Zahariev cannot disclose or suggest the notification message is a message to which a response is sent from the terminal for receiving the actual multimedia message.

Thus, claim 1 is patentable over the combination of 3GPP and Zahariev at least because their combination does not disclose or suggest the notification message is a message to which a response is sent from the terminal for receiving the actual multimedia message as recited in Applicant's claim 1.

Claims 8, 9, 10 and 15 are patentable over the combination of 3GPP and Zahariev for reasons that are substantially similar to those described above with respect to claim 1. Claims 3-5, 7, 12 and 14 are patentable at least by reason of their respective dependencies.

3. Claims 2, 11, 13 and 16 are patentable under 35 USC 103(a) over 3GPP, Zahariev and Skladman et al. (US 6400810, hereinafter "Skladman"). Claims 2, 11, 13 and 16 depend from claims 1, 8 and 15. The combination of 3GPP and Zahariev do not disclose or suggest all of the features of claims 1, 8 and 15 for the reasons described above. Thus, it is submitted that the combination of 3GPP, Zahariev and Skladman cannot as well. Therefore, claims 2, 11, 13 and 16 are patentable at least by reason of their respective dependencies.

4. Claim 17 is patentable under 35 USC 103(a) over 3GPP and Zahariev for reasons that are substantially similar to those described above with respect to claim 1 as claim 17 also recites "the notification message is a message to which a response is sent from the terminal for receiving the actual multimedia messages."

5. Claim 6 is patentable under 35 USC 103(a) over 3GPP, Zahariev and Short et al. (US 6130892, hereinafter "Short"). Claim 6 depends from claim 1. The combination of 3GPP and Zahariev do not disclose or suggest all of the features of claim 1 for the reasons described above. Thus, it is submitted that the combination of 3GPP, Zahariev and Short cannot as well. Therefore, claim 6 is patentable at least by reason of its dependency.

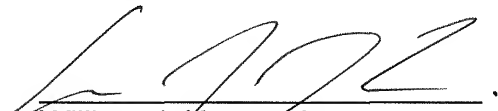
6. Claim 18 is patentable under 35 USC 103(a) over 3GPP, Zahariev and Thro et al. (US 6147977, hereinafter "Thro"). Claim 18 depends from claim 1. The combination

of 3GPP and Zahariev do not disclose or suggest all of the features of claim 1 for the reasons described above. Thus, it is submitted that the combination of 3GPP, Zahariev and Thro cannot as well. Therefore, claim 18 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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